

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY CACERES,

Plaintiff,

-against-

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE**

09 Civ. 8134 (SHS)

THE CITY OF NEW YORK, LIEUTENANT JOSEPH
KOURAKOS, POLICE OFFICER JOSE ROSARIO
(SHIELD# 2128), POLICE OFFICER OSCAR DIAZ
(SHIELD# 3012), POLICE OFFICER CARL
BENNETT (SHIELD# 29180), POLICE OFFICER
ELVIN PICHARDO (SHIELD# 4287), POLICE
OFFICER YEISON NINO (SHIELD# 27796), POLICE
OFFICER MICHAEL RODRIGUEZ (SHIELD#
27618), POLICE OFFICER JAMES GILSON
(SHIELD# 8085) and POLICE OFFICER JOHN DOE
1-5,

Defendants.
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WHEREAS, plaintiff ANTHONY CACERES commenced this action by filing a complaint on or about September 23, 2009, and an amended complaint on or about March 12, 2010, alleging, *inter alia*, that defendants violated his federal civil rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability; and

WHEREAS, plaintiff ANTHONY CACERES has authorized his counsel to settle this matter on the terms set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or attorneys fees in excess of the amount specified in paragraph 2 below.

2. The City of New York hereby agrees to pay plaintiff Anthony Caceres the total sum of FIFTY THOUSAND DOLLARS (\$50,000.00) in full satisfaction of all claims, including claims for costs, expenses and attorneys fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal with prejudice of all the claims against the defendants, including, but not limited to, THE CITY OF NEW YORK, LIEUTENANT JOSEPH KOURAKOS, POLICE OFFICER JOSE ROSARIO (SHIELD# 2128), POLICE OFFICER OSCAR DIAZ (SHIELD# 3012), POLICE OFFICER CARL BENNETT (SHIELD# 29180), POLICE OFFICER ELVIN PICHARDO (SHIELD# 4287), POLICE OFFICER YEISON NINO (SHIELD# 27796), POLICE OFFICER MICHAEL RODRIGUEZ (SHIELD# 27618), POLICE OFFICER JAMES GILSON (SHIELD# 8085), and the individuals identified in the caption of the amended complaint as POLICE OFFICER JOHN DOE 1-5 , and their successors or assigns, and to release the defendants and any present or former officials, employees, representatives and agents of the City of New York, or any agency thereof, including, but not limited to, the New York City Police Department and the New York City Department of Correction, from any and all liability, claims, or rights of action that were or could have been alleged in this action, including claims for costs, expenses and attorneys fees.

3. Plaintiff shall execute and deliver to defendants attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph 2 above and an Affidavit of Status of Liens.

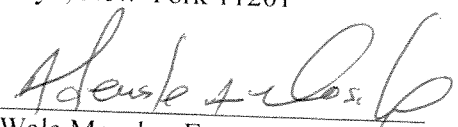
4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.


6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
APRIL 26, 2010

Law Office of WALE MOSAKU, Esq. P-C
Attorney for Plaintiff
25 Bond Street, 3rd Floor
Brooklyn, New York 11201

By: 
Wale Mosaku, Esq.
Attorney for Plaintiff

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street Room 3-209
New York, New York 10007

By:  5/3/10
Maurice L. Hudson
Assistant Corporation Counsel

SO ORDERED:

Honorable Sidney H. Stein
United States District Judge